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10/671,834	09/29/2003	Shigeyoshi Shima	Q77708	3520
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SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER SINKANTARAKORN, PAWARIS	
			ART UNIT	PAPER NUMBER
			2616	
			MAIL DATE	DELIVERY MODE
			10/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/671,834

Applicant(s)

SHIMA, SHIGEYOSHI

Examiner

Pao Sinkantarakorn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 12, 18-21, 23, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 5, 7-11, 13-17, 22 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

On page 2 of the remarks, the applicants submit that claim 1 has been amended to incorporate the allowable subject matter of claim 4. However, the examiner has indicated that claims 4-17 contain allowable subject matter and would be allowable if rewritten in independent form containing all of the limitations of the base claim **and any intervening claims**. The applicant has amended claim 1 to incorporate only the allowable subject matter of claim 4 but not the intervening claim.

2. Claims 1-3 and 5-28 are currently pending in the application. Claims 18-28 are newly added.

Claim Objections

3. Claim 1 is objected to because of the following informalities:

Regarding claim 1 line 5, the term "net-work" should be replaced with ---network--
-. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 18, 19, 23, 27, and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Wheeler et al. (newly cited US 2007/0088950).

Regarding claims 1 and 18, Wheeler et al. disclose an electronic data transmission and reception system comprising:

first through nth apparatuses connected to a network, where n is an integer of 2 or greater;

a transmitting apparatus connected to the network for transmitting first electronic data to the first apparatus (Figure 3 reference numeral 350); and

a receiving apparatus connected to the network for receiving (n+1)th electronic data from the nth apparatus (Figure 3 reference numeral 312),

wherein the nth apparatus transmits a notification of a reception of nth electronic data to the receiving apparatus when the nth apparatus receives the nth electronic data from an (n-1)th apparatus (see paragraph 121, the intermediate party 310 forwards the EC to the account authority 312),

the receiving apparatus transmits a receiver authenticator which authenticates the reception of the nth electronic data in response to the notification of the reception of nth electronic data (see paragraph 122, the account authority 312 provides the intermediate party with notification of approval or rejection of the message), and

the nth apparatus generates (n+1)th electronic data which comprise the nth electronic data and the receiver authenticator with a signature of the nth apparatus assigned thereto, and transmits the (n+1)th electronic data to the receiving apparatus (see paragraphs 122-123, electronic communications Ecs 305,309,315,319 can be encrypted by the sender of the particular EC);

regarding claim 19, the first electronic data further comprises a sender authenticator which authenticates the transmission of the first electronic data (see paragraphs 120-123);

regarding claim 23, further comprising:

generating from the first apparatus second electronic data in which the signature of the first apparatus is assigned to a first time stamp that represents the time when the first apparatus receives the sender authenticator from the transmitting apparatus (see paragraph 170, time/date stamp);

generating from the nth apparatus the (n+1)th electronic data in which the signature of the nth apparatus is assigned to a second time stamp that represents the time when the nth apparatus receives the receiver authenticator from the receiving apparatus (see paragraph 170, time/date stamp).

Regarding claims 27 and 28, Wheeler et al. disclose an electronic data transmission and reception apparatus comprising:

a receiving unit for receiving electronic data from another apparatus (see Figure 3 reference numeral 310 receives EC 305);

a signature adding unit for adding a signature for identifying the apparatus to the electronic data thereby generating electronic data for transmitting without deleting a signature for identifying the another apparatus (see paragraphs 122-123, electronic communications ECs 305,309,315,319 can be encrypted by the sender of the particular EC, and also each EC includes the unique identifier of the account holder); and

a transmitting unit for transmitting the electronic data for transmitting to the another apparatus (see Figure 3 reference numeral 310 transmits EC 309 to the account authority 312).

Claim Rejections - 35 USC § 103

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. in view of Shimbo et al. (US 6,092,191).

Regarding claim 2, Wheeler et al. disclose all the subject matter of the claimed invention except the transmitting apparatus transmits the first electronic data and a sender authenticator, which authenticates a transmission of the first electronic data, to the first apparatus; and the first apparatus generates second electronic data which comprise the first electronic data and a signature of the first apparatus assigned thereto, and transmits the second electronic data to a second apparatus.

However, Shimbo et al. from the same or similar fields of endeavor disclose a method, wherein the transmitting apparatus transmits the first electronic data and a sender authenticator, which authenticates a transmission of the first electronic data, to the first apparatus (see column 16 lines 27-37, GA11 adds authentication header to the packet and send it to GA1); and the first apparatus generates second electronic data which comprise the first electronic data and a signature of the first apparatus assigned thereto, and transmits the second electronic data to a second apparatus (see column 16

lines 39-44, subsequently GA changes the a content of the IP header-3 and transmits it to GB).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement a method, wherein the transmitting apparatus transmits the first electronic data and a sender authenticator, which authenticates a transmission of the first electronic data, to the first apparatus; and the first apparatus generates second electronic data which comprise the first electronic data and a signature of the first apparatus assigned thereto, and transmits the second electronic data to a second apparatus as taught by Shimbo et al. into the system of Wheeler et al.

The motivation for implementing a method, wherein the transmitting apparatus transmits the first electronic data and a sender authenticator, which authenticates a transmission of the first electronic data, to the first apparatus; and the first apparatus generates second electronic data which comprise the first electronic data and a signature of the first apparatus assigned thereto, and transmits the second electronic data to a second apparatus is that it increases the security of the system.

Regarding claim 6, Wheeler et al. disclose a method further comprising:

a memory apparatus for use with the receiving apparatus (see paragraph 116);
wherein the receiving apparatus stores the (n+1)th electronic data transmitted from the nth apparatus, into the memory apparatus for use with the receiving apparatus (see paragraph 116, account database);

regarding claim 12, the nth apparatus generates reception proof data which are electronic data comprising the nth electronic data and the receiver authenticator with the signature of the nth apparatus assigned thereto (see paragraphs 122-123).

10. Claims 3, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler et al. in view of Shimbo et al., and further in view of Leung (US 6,760,444).

Regarding claims 3 and 20, Wheeler et al. discloses an electronic data transmission and reception system, further comprising:

a memory apparatus for use with the transmitting apparatus (see paragraph 116);

the first apparatus generates transmission proof data which comprise the first electronic data and the sender authenticator with the signature of the first apparatus assigned thereto (see paragraphs 120-123);

the transmitting apparatus stores the transmission proof data into the memory apparatus for use with the transmitting apparatus (see paragraph 116).

However, Wheeler et al. do not disclose a system, wherein the first apparatus transmits the transmission proof data to the transmitting apparatus. The invention of Leung from the same or similar fields of endeavor discloses a system, wherein a node generates an electronic data including an authenticator and sends the data to the host (see column 7 lines 11-16).

Thus, it would have been obvious to the person of ordinary skill in the art to implement a system, wherein a node generates an electronic data including an

authenticator and sends the data to the host as taught by Leung into the packet authentication scheme of Wheeler et al.

The motivation for implementing a system, wherein a node generates an electronic data including an authenticator and sends the data to the host is that it provides a more reliable network.

Regarding claim 21, Wheeler et al. disclose a method, wherein the nth apparatus transmits a notification of a reception of nth electronic data to the receiving apparatus when the nth apparatus receives the nth electronic data from an (n-1)th apparatus (see paragraph 121, the intermediate party 310 forwards the EC to the account authority 312),

the receiving apparatus transmits a receiver authenticator which authenticates the reception of the nth electronic data in response to the notification of the reception of nth electronic data (see paragraph 122, the account authority 312 provides the intermediate party with notification of approval or rejection of the message), and

the nth apparatus generates (n+1)th electronic data which comprise the nth electronic data and the receiver authenticator with a signature of the nth apparatus assigned thereto, and transmits the (n+1)th electronic data to the receiving apparatus (see paragraphs 122-123).

Allowable Subject Matter

11. Claims 5, 7-11, 13-17, 22, and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of **the base claim and any intervening claims**.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

13. Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although

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the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

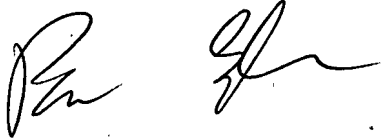
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pao Sinkantarakorn whose telephone number is 571-270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-3:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PS



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PRIMARY PATENT EXAMINER